

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

POST OFFICE BOX SERVICE ENHANCEMENTS

DOCKET NO. MC2012-26

MOTION OF DAVID B. POPKIN

August 6, 2012

Respectfully submitted,

PRCMC201226MOTION

DAVID B. POPKIN, POST OFFICE BOX 528, ENGLEWOOD, NJ 07631-0528

On July 19, 2012, I filed a Request for the issuance of a Presiding Officer's Information Request. On July 24, 2012, the Postal Service filed an Objection to my Request for the issuance of a POIR. On July 26, 2012, the Public Representative filed both a Request for Leave to file a Response to the Postal Service's Objection to my Request for a POIR and the Objection. On July 27, 2012, the Postal Service filed an Opposition to the Public Representative's Response.

The Commission has yet to take any direct response to the above motions, however, on July 30, 2012, the Chairman issued a Chairman's Information Request Number 1. This request required to Postal Service to file a response as soon as possible but not later than August 3, 2012. The Postal Service has yet to file a response. The earliest that they can now file their response is Monday, August 6, 2012. Initial Briefs are due the following day, Tuesday, August 7, 2012.

The purpose of the Chairman's Information Request is to provide information which participants in this proceeding will be able to incorporate in their Initial Brief. Had the Postal Service provided their response at the requested time, participants would have had Friday, August 3, 2012, evening¹, all day Saturday, August 4, 2012, all day Sunday, August 5, 2012, all day Monday, August 6, 2012, and Tuesday, August 7, 2012, up to

¹ Depending on the time that the Postal Service files their response and the number of other filings in the queue, the public may not have access to the Postal Service's Response until the early evening.

4:30 PM to utilize the information in their Brief. At this point the maximum time that participants will have to utilize the information in their Brief will be Monday, August 6, 2012, evening and Tuesday, August 7, 2012, up to 4:30 PM.

The above is the maximum time that is available and assumes that the Postal Service will file their Response on Monday, August 6, 2012. If it is not filed until Tuesday, August 7, 2012, it probably would not be possible to utilize the information in a participant's Brief.

Since the participants will have 72 hours removed from their access to the Postal Service's Response, the deadline for the submission of Initial Briefs should be extended the same 72 hours and become Friday, August 10, 2012. Furthermore, if the response is made after Monday, August 6, 2012, the deadline should be further extended.

The Postal Service's standard claim that no party will be prejudiced by their late filing just doesn't hold in this case. I also wonder if their delay in responding is related to their objections to the POIR Request.